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them a common pest, and that, if the injuries complained of were proximately caused by them, defendant should be held liable. This being a question for the jury, and the jury having determined it in favor of plaintiff, a verdict awarding damages to him was allowed to stand. This decision is reported under the title of *Towaliga Falls Power Co. v. Sims*, 65 Southeastern Reporter, 844.\*

**Conveyance to Defeat Liability on Bond in Legal Proceeding as Contempt.**—A rather unusual case of contempt of court is shown in *Dollard v. Koronsky*, 118 New York Supplement, 922. Defendant secured an order setting aside execution on giving security pending a determination as to the validity of the proceedings dependent on service of process, and one Max Bloch became one of the sureties. On reference it was adjudged that process had been regularly served, and defendant was adjudged in contempt of court for perjury in his application for vacation of the execution. An attempt was then made to collect the amount of the judgment theretofore recovered, together with costs of the proceedings for vacation of the execution; but defendant went into voluntary bankruptcy, leaving no assets available, and the judgment creditor pursued his remedy against Bloch, the surety on the undertaking mentioned, but Bloch had apparently acquired entirely different habits from those existing at the time of his justification as surety when he swore to having property of the value of something like \$4,000, accumulated by his thrift and saving; but when his liability on the bond became fixed, and attempts at collection were made, he was found to have no property of any consequence, having disposed of it in various suspicious ways in the mean time. The court held his actions to be in contempt of its authority and assessed a fine for the benefit of plaintiff, to cover the amount of the actual liability and the expenses of the later proceedings, with an additional punishment of two months' imprisonment.

**Surface Water Rights.**—The case of *Anderson v. Drake*, 123 Northwestern Reporter, 673, holds that whether a well is fed by the seepage of surface water or by subterranean springs the water in the one case loses its character as surface water when it reaches the well, and in the other case it ceases to be surface water long before it reached the well, and in either case, not being surface water, no right exists to discharge the same upon the land of other parties to their damage. No person has a right to convert water which was not surface water, and then claim the right to handle it as though it had been such originally. Pond or sloughs of a temporary nature, however, may be drained for the purpose of husbandry, and waters in

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\**Miller v. Trueheart*, 4 Leigh 569, is a case similar to this one in many respects.